IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5391 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T C

Versus

PARBAT KESHAV RANVA

Appearance:

1. Special Civil Application No. 5391 of 1989

MR HARDIK C RAWAL for Petitioner No. 1

MR MUKESH H RATHOD for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 09/01/2002

ORAL JUDGEMENT

The Gujarat State Road Transport Corporation has filed this petition challenging the judgement and award of the Labour Court, Rajkot, in Reference (LCR) No.1377

of 1988 dated 10.1.1989 whereby the conductor who is having as many as four earlier dismissals to his credit is ordered to be reinstated in service. The contention raised by the learned advocate Mr Rathod is that the amount of fare plus penalty is already recovered from the concerned passengers and the Labour Court has found substance in the reason given by the conductor that he had eye pain and therefore due to oversight he could not issue the tickets to the passengers. The Labour Court having recorded in the judgement that the default card of the respondent-conductor is not giving a good picture that the workman was dismissed in 1968, 1972 and again in 1976 and in 1983, there was no reason for the Labour Court to exercise its discretion for interfering with the penalty imposed by the Corporation.

2 The learned advocate Mr Hardik Raval relied upon the judgement of Apex Court in the case of Karnataka State Road Transport Corporation v. B.S.Hullikatti reported in (2001) 2 SCC 574.

3 In the result, this petition is allowed. Rule is made absolute. No order as to costs.

(Ravi R Tripathi, J.)
(mohd)